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*Attorneys for Defendant
Wal-Mart Stores, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LINDA CARAWAY, individually ,

Plaintiff,

v.

WAL-MART STORES, INC.; DOES I through
X, inclusive; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

Case No.: 2:14-cv-01514-RCJ-VCF

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on October 9, 2014, and was attended telephonically by Daniela LaBounty of PHILLIPS SPALLAS & ANGSTADT LLC, for Defendant Wal-Mart Stores, Inc., and Derek Nelson, Esq. of CRAM VALDEZ BRIGMAN & NELSON, for Plaintiff.

2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), by October 23, 2014.

1 3. **Areas of Discovery**: The parties agree that the areas of discovery should include, but not
2 be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

3 4. **Discovery Plan**: The parties propose the following discovery plan:

4 A. **Discovery Cut-off Date(s)**: LR 26-1(e)(1) provides that “unless otherwise
5 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
6 defendant answers or appears will require special scheduling review.” The parties agree that there is
7 no need for a special scheduling review. Therefore, the parties agree that discovery must be
8 commenced and completed no later than March 16, 2015. This date is 180 days after Defendant’s
9 filing of its first appearance.
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11 B. **Amending the Pleadings and Adding Parties**: The parties shall have until
12 December 16, 2014, to file any motions to amend the pleadings to add parties. This is 90 days
13 before the discovery cut-off date.
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15 C. **FRCP 26(a)(2) Disclosure of Experts**: Disclosure of experts shall proceed
16 according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their
17 reports shall occur on or before January 15, 2015. The disclosure of rebuttal experts and their
18 reports shall occur on or before February 17, 2015. These deadlines are 60 and 30 days before the
19 discovery cut-off date, respectively.
20

21 D. **Interim Status Report**: The parties shall file the interim status report by January
22 15, 2015, 60 days before the discovery cut-off date, as required by LR 26-3.

23 E. **Dispositive Motions**: The parties shall have until April 15, 2015, to file
24 dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

25 F. **Pre-Trial Order**: The parties will prepare a Consolidated Pre-Trial Order on or
26 before May 15, 2015, which is not more than 30 days after the date set for filing dispositive motions
27 in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are
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1 timely filed until 30 days after the decision of the dispositive motions or until further order of the
 2 Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be made in the
 3 pre-trial order.

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 5 G. **Court Conferences**: If the Court has questions regarding the dates proposed by
 6 the parties, the parties request a conference with the Court before entry of the Scheduling Order. If
 7 the Court does not have questions, the parties do not request a conference with the Court.

8 H. **Extensions or Modifications of the Discovery Plan and Scheduling Order**:

9 LR 26-4 governs modifications or extensions of this Discovery Plan and
 10 Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and
 11 scheduling order must be made not later than 21 days before the subject deadline. Any stipulation or
 12 motion to extend the discovery cut-off period must be made no later than February 23, 2015, 21 days
 13 expiration of the subject deadline.
 14 before the ~~discovery cut off date.~~

15 I. **Authorizations**:

16 i. It is agreed that Plaintiff Linda Caraway will complete, sign, and serve on
 17 Defendant on or before October 23, 2014, the following forms provided to
 18 Plaintiff's counsel by Defense counsel:

- 19 1. Release Regarding Controlled Substance Information;
- 20 2. Social Security Administration Consent for Release of
- 21 Information;
- 22 3. A separate HIPAA-Compliant Authorization For The Release Of
- 23 Patient Information Pursuant To 45 CFR 164.508 specific to *each*
- 24 *health care provider* identified in Plaintiff's FRCP 26(a) disclosures.

25
 26 ii. It is agreed that Plaintiff Linda Caraway will execute and serve on Defense
 27 counsel, within fourteen (14) days of each such request by Defense counsel,
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1 a HIPAA-Compliant Authorization for the Release of Patient Information

2 Pursuant to 45 CFR 164.508, specific to:

- 3 1. Plaintiff Linda Caraway's health care providers referenced in
4 materials subpoenaed and/or requested by Defendant in this matter;
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6 2. Plaintiff Linda Caraway's health care providers identified in the
7 Drug Utilization Report issued by the Nevada Board of Pharmacy in
8 response to the Release identified in Section I.i.1, *supra*;
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10 3. Plaintiff Linda Caraway's health care providers identified in
11 discovery responses served by Plaintiff;
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13 4. Plaintiff Linda Caraway's health care providers identified in
14 deposition testimony by Plaintiff; and/or
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16 5. Plaintiff Linda Caraway's health care providers identified in
17 deposition testimony in this matter by any health care provider.

- 18 iii. Defendant reserves the right to request an IRS release and Consent for the
19 Release of Employment Information should Plaintiff assert a wage loss
20 claim.
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22 J. **Format of Discovery**: Pursuant to the electronic discovery amendments to the
23 Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery
24 issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not
25 anticipate discovery of native files or metadata at this time, but each party reserves the right to make
26 a showing for the need of such electronic data as discovery progresses.
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1 K. **Independent Medical Examination:** Defendant reserves the right to have
2 Plaintiff Linda Caraway undergo an independent medical examination performed by Defendant's
3 doctor, to be determined.
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5
6 DATED this 27th day of October, 2014.

DATED this 27th day of October, 2014.

7
8 /s/ Derek Nelson

Derek Nelson, Esq.
9 CRAM VALDEZ BRIGMAN & NELSON
8831 West Sahara Avenue
10 Las Vegas, NV 89117

/s/ Brenda H. Entzminger

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504 South Ninth Street
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11 *Attorneys for Plaintiff*
12

Attorneys for Defendant
Wal-Mart Stores, Inc.

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14 **IT IS SO ORDERED:**

15 
16 ~~UNITED STATES DISTRICT JUDGE~~

17 ~~OR~~

18 **UNITED STATES MAGISTRATE JUDGE**
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20 **DATED:** 10-27-2014
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